National Aeronautics and Space Administration

Goddard Space Flight Center
Greenbelt, MD 20771

April 11, 2012

Reply to Attn of: 250

Maryland Department of the Environment
P.O. Box 2057
Baltimore, MD 21230-2057

Subject: Notice of Intent for the General Permit for Discharges from Tanks, Pipes, and Other Liquid Containment Structures at Facilities Other Than Oil (11-HT)

NASA's Goddard Space Flight Center (GSFC) is submitting the enclosed Notice of Intent (NOI) for the subject general discharge permit. The estimate provided in Section III.M, Discharge Information, includes planned discharges from routine maintenance of fire control systems and discharges from petroleum storage tank containment structures.

There are no planned activities that will result in discharges from our potable water system. Historically, maintenance and repair activities on the water tower produced the greatest volume of water. Work was performed on the water tower in 2009 and 2010. GSFC does not anticipate any maintenance work on it during the current permit period.

Enclosed with the NOI are the fee payment and a drainage basin map of GSFC. Discharge points leaving the northern perimeter of GSFC will drain to Beaverdam Creek (in the Anacostia Watershed). Discharge points leaving the southern perimeter of GSFC will drain to Bald Hill Branch (in the Patuxent Watershed). Please direct any questions about the NOI to Ms. Lori Levine of the Medical and Environmental Management Division at Lori.M.Levine@nasa.gov or (301) 286-6741.

C.J.S.

Christopher J. Scolese
Director

3 Enclosures

MARYLAND DEPARTMENT OF THE ENVIRONMENT

GENERAL PERMIT for DISCHARGES from
TANKS, PIPES and OTHER LIQUID CONTAINMENT STRUCTURES
at FACILITIES OTHER THAN OIL TERMINALS

NOI for Permit No. 11-HT

DISCHARGE PERMIT NO. 11-HT NPDES PERMIT NO. MDG67

Submission of this Notice of Intent (NOI) constitutes notice that the party identified in Section I of this form intends to be authorized by a State/ National Pollutant Discharge Elimination System (NPDES) permit issued for discharges from tanks, pipes and other liquid containment structures identified in Section II of this form.

* *Instructions on back of form.* Please answer all questions; incomplete requests will be returned.

SECTION I: Owner/Operator Information

(A) Company Name			
National Aeronautics and Space Administration (NASA) Goddard Space Flight Center (GSFC)			
(B) Facility Contact Name	Title		
Lori Levine	Environmental Protection Specialist		
Telephone Number	Email Address		
(301) 286-6741	Lori.M.Levine@nasa.gov		
(C) Mailing Address			
8800 Greenbelt Road, ATTN: Code 250			
City	State	ZIP Code	
Greenbelt	Maryland	20771	
(D) Federal ID No	**(E)** Status of Facility (check)		
630422638	☐ Private	☑ Federal	☐ State/Local
(F) Worker's Comp Insurance	*Company Name*	*Policy Number*	
	Federal, U.S. Department of Labor		

SECTION II: Facility Information

(G) Name of Facility			
Same			
(H) Location Address			
Same			
City	State	ZIP Code	County
			Prince George's

For MDE use only:	**Facility #**	**Receipt #**	**Date:**
PCA 13710 Comp Object 5710 Suffix 411			

MARYLAND DEPARTMENT OF THE ENVIRONMENT
NOI for Permit No. 11-HT
FORM INSTRUCTIONS

Please answer all questions. Incomplete requests will be returned for completion.

WHO MUST FILE

The operator of a facility that is requesting to discharge from tanks, pipes and other liquid containment structures at facilities other than oil terminals must submit a notice of intent (NOI) to obtain coverage under the NPDES General Discharge Permit No. 11-HT. If you have a question about whether you need this permit or any NPDES permit, contact the Maryland Department of the Environment (MDE), Wastewater Permits Program, at 410-537-3323.

Submission of this NOI constitutes notice that the party identified in Section I of this form intends to be authorized by a State/ National Pollutant Discharge Elimination System (NPDES) permit issued for discharges from tanks, pipes and other liquid containment structures at facilities other than oil terminals identified in Section II of this form. Authorization to discharge begins upon notification of registration by MDE. The permit is available for download via MDE's website http://www.mde.state.md.us (Search engine keyword "tanks.aspx")

Note: If the following services are located at your facility, you may be required to obtain additional permits, as necessary:

- ***Oil Operations Permit** (access more information by visiting MDE's website http://www.mde.state.md.us (Search engine keyword "oil_control/index.aspx")*
  - *for Underground storage tank (UST) or above ground tank (for fuel, lubricant or used oil)*
  - *Storm water from storage tank dike and loading rack areas and hydrostatic test water from oil terminals which discharge to surface or ground waters;*
- ***Individual Groundwater Permit** for tank bottom wastewater discharges to groundwater of the state. Contact the groundwater permit program at 410-537-3778.*

SECTION I: Owner/Operator Information

(A) Provide the legal name of the person, firm, public organization, or other entity that operates the industrial facility described in Section II of this application and is requesting coverage under the MDE 11-HT general discharge permit.

(B) Provide the name of the Primary Contact; title of Primary Contact; Primary Contact phone number; Primary Contact e-mail address.

(C) Provide company mailing address; city; state; zip.

(D) Provide the federal identification number (*this is necessary if a refund is due to the facility)*

(E) Identify whether the owner/operator is private, federal or state/local.

(F) Workers compensation insurance information for the facility identified in Section II of this application.

SECTION II: Facility Information

(G) Provide the name of facility – enter "same" if the name does not differ from the information in Section I(A).

(H) Provide the physical address, city, state, zip – enter "same" if the address does not differ from the information in Section I(C); Provide the County where the facility is located. If this is a contiguous system spanning multiple counties or cities, list all counties and cities.

MARYLAND DEPARTMENT OF THE ENVIRONMENT
GENERAL PERMIT for DISCHARGES from TANKS, PIPES and OTHER LIQUID CONTAINMENT STRUCTURES at FACILITIES OTHER THAN OIL TERMINALS
NOI for Permit No. 11-HT

* *Instructions on back of form.* Please answer all questions; incomplete requests will be returned.

SECTION II (continued): Facility Information

(I) Mailing Address		
same		
City	State	ZIP Code

(J) Latitude	Longitude	(K) Has this facility registered under any other NPDES permit? (e.g., 06HTXXXX?) *(Provide numbers below)*
38°59'50"	76°51'16"	04-DP-3156, 05-SF-5501, 06HT5092

SECTION III: Discharge Information

(L) Select all eligible discharges for which you require authorization:
Provide additional information as required, look on the back of this form for instructions

☐ **Treated tank bottom wastewater** from petroleum storage tanks to surface waters

☐ Wastewater from **disinfection** or **hydrostatic testing** of pipes, pipelines or tanks (see !! on back)

Material previously stored: _____

Disinfecting agent: _____

Chlorinated test water: ☐ Yes ☐ No

Is chemical dechlorination performed? ☐ Yes ☐ No

Provide POC & phone number: _____

NOTE: Include an approximate schedule of discharges with this form.

☒ Wastewater from **draining or flushing of fire control systems**

☑ **Potable water system**

Provide POC & phone number: Lori Levine, (301) 286-6741

NOTE: Include an approximate schedule of discharges with this form.

Is cleaning performed? (see ¿¿ on back) *complete the following*

Type of cleaning is: ☐ Mechanical Cleaning ☒ Super chlorination:

Material previously stored: potable water

Disinfecting agent: sodium hyperchlorite

Chlorinated test water: ☒ Yes ☐ No

Is chemical dechlorination performed? ☐ Yes ☑ No

☐ **Untreated water in excess of 10,000 gpd** from water storage or distribution systems

☒ **Storm water** from aboveground Petroleum Storage Tank containment structures

SECTION II (continued)

(I) Provide facility mailing address – enter "same" if the mailing address does not differ from the information in Section I(C).

(J) Provide latitude and longitude of the discharge/outfalls requesting to be permitted.

To obtain coordinates from a United States Geological Survey (USGS) quadrangle or topographic map access http://www.geocode.com and conduct a search based on the facility street address; or, US EPA maintains a web site (http://cfpub.epa.gov/npdes/stormwater/latlong.cfm) to obtain a project site's longitude and latitude by: (1) scroll down to the heading titled "Internet Citing Tools", and select the provided link; (2) enter the requested information to open the area map corresponding to your project site (the subsequent viewed image can be moved by pressing an appropriate directional arrow); (3) once the highest zoom setting is selected, an aerial photograph will be shown; and (4)place and click the cursor on the desired location on the photograph, and the latitude and longitude be displayed below the photograph.

(K) Identify any previously obtained NPDES permit (individual or general). If applicable, include the permit number. (e.g., 06HTXXXX, where XXXX is the unique 4 digit registration number under the now expired tanks, pipes and other containment structures "06HT" permit)

(L) Identify the type of discharge you wish to gain authorization for. You must select from the eligible discharges established in the General Permit, Part I, Section B.

!! Marking this box means you discharge wastewater from the disinfection or hydrostatic testing of pipes, pipelines or tanks. In addition to submitting a schedule of such discharges, provide the name of the person (Point of Contact - POC) that will be able to provide information with regard to the scheduled discharges. Provide the name of the material that was being stored or transported in the pipe, pipeline, or tank. Provide the name of the product being used as a disinfection agent and specify if the disinfection/test water source has been chlorinated or comes from a chlorinated water supply. Identify if chemicals will be used in the dechlorination process (e.g., sodium thiosulfate, etc.)

¿¿ Marking this box means you discharge wastewater from potable water systems resulting from the overflow, flushing, disinfection, hydrostatic testing, mechanical cleaning, or dewatering of vessels or structures used to store or convey potable water. Provide the type of cleaning that is applicable to the system. Provide the name of the product being used as a disinfection agent and specify if the disinfection/test water source has been chlorinated or comes from a chlorinated water supply. In addition to submitting a schedule of such discharges, provide the name of the person (Point of Contact - POC) that will be able to provide information with regard to a schedule of discharges. **Note, if previous use of tank/pipe/pipeline was a petroleum product, complete section for disinfection or hydrostatic testing.**

MARYLAND DEPARTMENT OF THE ENVIRONMENT

GENERAL PERMIT for DISCHARGES from
TANKS, PIPES and OTHER LIQUID CONTAINMENT STRUCTURES
at FACILITIES OTHER THAN OIL TERMINALS

NOI for Permit No. 11-HT

* *Instructions on back of form.* Please answer all questions; incomplete requests will be returned.

SECTION III: Discharge Information (continued)

(M) Volume discharged per event?	Duration of discharge:	Single Event?
up to 15,000 *gallons*	<1 *Hours* ____ *Days* ____ *Month*	☑ Yes ☐ No

(N) Identify the type of receiving water: ☐ Groundwater (e.g., injection or ground saturation) **OR**

☑ Surface Water (Name) unnamed tributaries to Bald Hill Branch or Beaverdam Creek

SECTION IV: Permit Fee

Average Daily Discharge Volume (Gallons Per Day)	Indicate initial fee submitted	
0< 1,000	$175	☐
1,000–5000	$250	☐
5001-50,000	$325	☑
50,001-100,000	$500	☐
100,001-250,000	$950	☐
250,001-1,000,000	$2000	☐
>1,000,000	$4000	☐
Public Water System (state, county or municipal owned and operated)	(exempt from fee)	☐

SECTION V: Certification

To be completed by a responsible corporate officer, proprietor, general partner, principal executive officer or ranking elected official, as detailed in the permit.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Facility Representative Signature	Date
CJSc[illegible]	11 APRIL 2012

Facility Representative Name/Title: Typed or Printed

Christopher J. Scolese, Director

Submit completed form along with FEE to:

Maryland Department of the Environment
P.O. Box 2057
Baltimore, MD 21203-2057

Please answer all questions. Incomplete requests will be returned for completion.

SECTION III (continued)

(M) Identify the volume of water to be discharged in gallons. Provide an approximation of the typical duration of the discharge in a measurement of time. Typically the measurements can be provided in hours, days, months, in addition to the use of > or < symbols. Also, specify if this is a single event.

(N) Indicate if the discharge is directly to groundwater or surface waters. Groundwater includes injection or ground saturation. If to a surface water, indicate the name of the closest receiving stream (i.e., Cambridge Creek).

SECTION IV: Permit Fee

Indicate the amount sent with this NOI form. The permit fee is based on the total flow volume of effluent discharged from the facility (or system) divided by the total number of days discharged provided in units of gallons per day (e.g., three days of discharge totaling 150,000 gallons equals 50,000 gpd).

Average Daily Discharge Volume (Gallons Per Day)	Year One Fee	Fee for subsequent years
0< 1,000	$175	See COMAR 26.08.04.09-1 (G)
1,000–5000	$250	
5001-50,000	$325	
50,001-100,000	$500	
100,001-250,000	$950	
250,001-1,000,000	$2000	
>1,000,000	$4000	

Discharges from tanks, pipes, and other liquid containment structures associated with drinking water supplies are exempt from the permit fee.

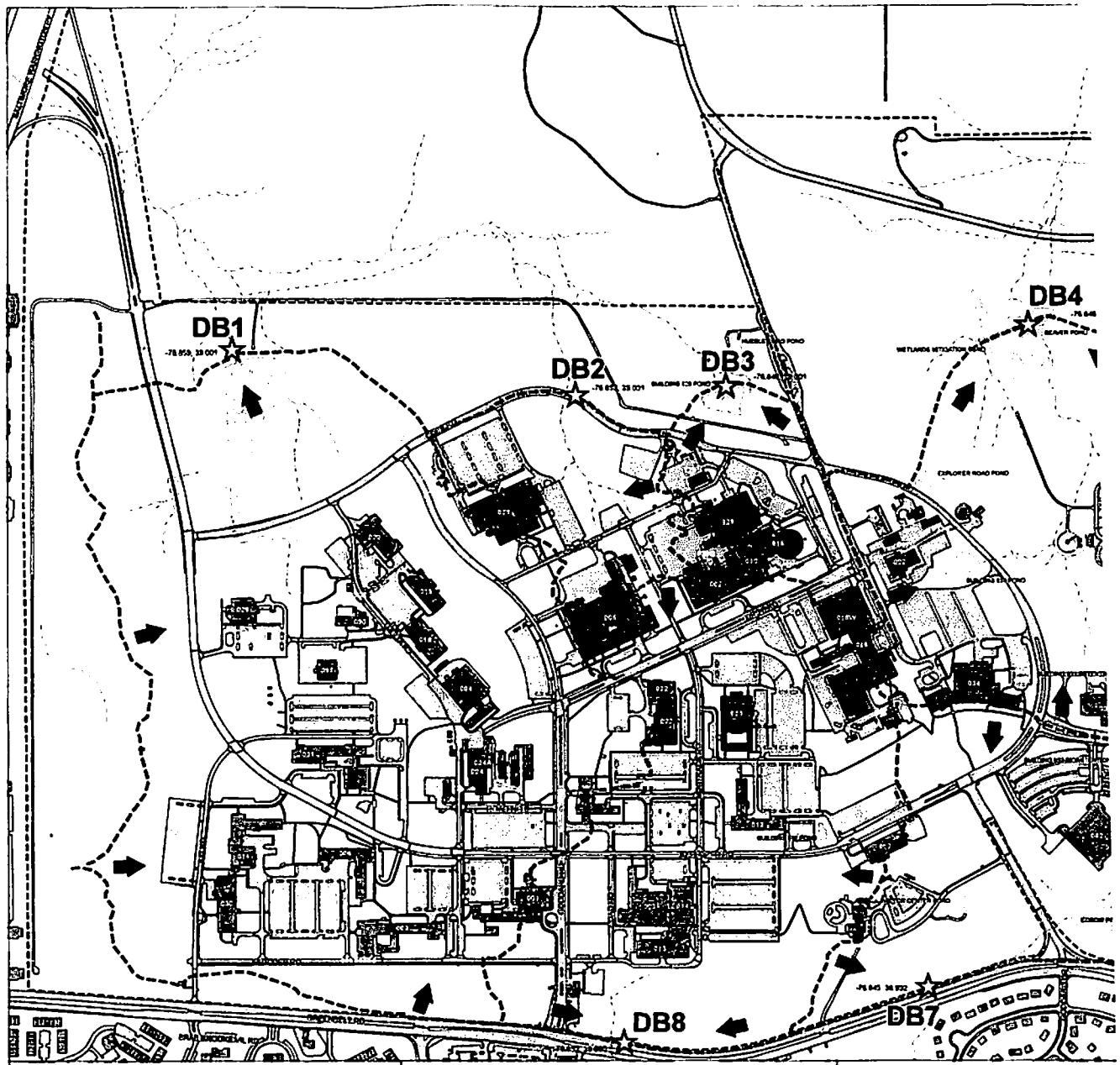
SECTION V: Certification

Signatures and Certifications are detailed in the permit. Individuals who discharge to waters of the State without an individual State or State/NPDES discharge permit, are in violation of the Federal Act and of the Environment Article, Annotated Code of Maryland, and may be subject to penalties. An original signature and date is required.

A completed form will not be processed until the fee has been paid-in-full.

HOW TO SUBMIT:

Send the completed NOI and fee to MDE via the address provided; include a schedule of such discharges if required. You must ensure that the form is completely filled out and payment is enclosed. Your permit application will be handled as efficiently as possible. However, if you fail to provide us with the information we request, we will be unable to process your registration for the permit quickly.



STRAUGHAN ENVIRONMENTAL

NASA

DRAINAGE BASIN MAP

NASA-GODDARD SPACE FLIGHT CENTER
MARCH 2012

LEGEND:

- DRAINAGE BASINS
- NASA PROPERTY BOUNDARY
- DIRECTION OF FLOW

FedEx Express
Customer Support Trace
3875 Airways Boulevard
Module H, 4th Floor
Memphis, TN 38116

U.S. Mail: PO Box 727
Memphis, TN 38194-4643

Telephone: 901-369-3600

April 16,2012

Dear Customer:

The following is the proof-of-delivery for tracking number **508520320684**.

Delivery Information:

Status:	Delivered	**Delivered to:**	Shipping/Receiving
Signed for by:	O.SABASA	**Delivery location:**	BALTIMORE, MD
Service type:	Standard Overnight	**Delivery date:**	Apr 13, 2012 09:28

NO SIGNATURE IS AVAILABLE
FedEx Express proof-of-delivery details appear below; however, no signature is currently available for this shipment.
Please check again later for a signature.

Shipping Information:

Tracking number:	508520320684	**Ship date:**	Apr 12, 2012
		Weight:	1.0 lbs/0.5 kg

Recipient:
BALTIMORE, MD US

Shipper:
GREENBELT, MD US

Reference 59385
Department number 250

Thank you for choosing FedEx Express.

FedEx Worldwide Customer Service
1.800.GoFedEx 1.800.463.3339

Shipping and Mailing Request Form

(For use with express, certified, and registered domestic and international small packages)

SHIP TO: (Please include a complete street address, city, state, zip code, and telephone number)	Maryland Department of Environment Oil Control Program, Suite 620 1800 Washington Blvd. Baltimore, MD 21230-1719
DESCRIPTION OF ITEM BEING SHIPPED/MAILED: (this information is required)	Memo, Fee

TYPE OF SERVICE REQUESTED: (Please read options carefully)

Express Delivery Services	Certified and Registered Mail Services
☐ Priority Overnight Service	☐ Certified Mail
☑ Standard Overnight Service	☐ Registered Mail
☐ Second Day Service	☐ Return Receipt
☐ Third Day Service	
☐ International Express Service *	
☐ International Economy Service *	
☐ Saturday Delivery	
☐ Least Costly Method	

*** The following information must be provided for all packages being shipped or mailed to an international destination.**

To the best of my knowledge, this shipment is not restricted for export. If you are unsure of current ITAR (22 CFR Parts 120-130) and export (15 CFR Parts 730-774) regulations, please contact the GSFC Export Control Office at 6-6388/6-4579 or visit their website at http://export.gsfc.nasa.gov

Signature and Date of Sender

International packages going to a "Designated Country" must be approved by the International Coordinator's Office, Code 101, ext. 6-8300. A list of Designated Countries can be found at http://export.gsfc.nasa.gov

Signature and Date of International Coordinator's Office representative

ORIGINATOR: **I certify that services requested are for NASA Official Business Only**

Name: Lori Levine	Code: 250	Telephone: 301 286-7442	Date: 4/12/12

For Internal Use Only:

Package Identification Number	Mode of Shipment	Date Processed
508520320684		4/12/12

GSFC 11-54 (9/07) Previous editions are obsolete

NASA's Goddard Space Flight Center

Route Sheet

CODE	NAME	PUR-POSE*	INITIALS**	DATE** IN	DATE** OUT	REMARKS
250	E. Connell	2	EC	3/28	3/28	
200	C. Stoltz	2	CS		4/2	
200	R. Rubilotta	2	RR		4/4	
100						
100	N. Abell	2	NA		4/6	
100	R. OBENSCHAIN	2	RO		4/9	
100	C. Scolese	4	CS		4/1	
250	A. Holton	3				Call Andrea x6-7442 for Pick-Up

ORIGINATOR	CODE	PHONE NUMBER
Edward Connell	250	6-4230
TYPED BY Lori Levine	**CODE** 250	**PHONE NUMBER** 6-6741

QUALITY CHECK *(secretary review; please initial)*
BRANCH ____ DIVISION ____ DIRECTORATE ____

MAIL LOG NUMBERS
BR LOG # ____ DIV LOG # ____ DIR LOG # 032712 -A1

SUBJECT
Notice of Intent for General Discharge Permit

DUE DATE
May 21, 2012

SPECIAL INSTRUCTIONS

*PURPOSE LEGEND
1. For information
2. For review/approval/concurrence
3. For necessary action
4. For signature
5. Retain

**INITIALS/DATE: Ensure that all initials and in/out dates are completed for all individuals

GSFC 11-20 (9/99)

RECEIVED APR 06 2012

12-100-1660

MARYLAND DEPARTMENT OF THE ENVIRONMENT
1800 Washington Boulevard ● Baltimore Maryland 21230
(410) 537-3000 ● 1-800-633-6101 ● http://www.mde.state.md.us

Martin O'Malley
Governor

Robert M. Summers, Ph.D
Secretary

Anthony G. Brown
Lieutenant Governor

GENERAL PERMIT FOR DISCHARGES FROM TANKS, PIPES and OTHER LIQUID CONTAINMENT STRUCTURES at FACILITIES OTHER THAN OIL TERMINALS

DISCHARGE PERMIT NO. 11-HT **NPDES PERMIT NO. MDG67**

Effective Date: March 1, 2012 **Expiration Date:** February 28, 2017

PART I. APPLICABILITY AND COVERAGE **3**

A. ***Geographic Coverage*** 3
B. ***Eligible Discharges*** 3
C. ***Ineligible Discharges*** 3
D. ***No Permit Required*** 3
E. ***Individual Permit or Another General Permit Required*** 4
F. ***Termination of Permit*** 4
G. ***Authorization*** 5
H. ***Transfer of Authorization*** 5
I. ***Continuation of an Expired General Permit*** 6
J. ***Change in Location*** 6

PART II. DEFINITIONS **6**

PART III. CONDITIONS OF REGISTRATION **9**

A. ***Requests for Registration and Fee Requirements*** 9
B. ***Deadlines for Notification*** 10
C. ***Required Signatures*** 10
D. ***Failure to Notify*** 11
E. ***Change in Discharge*** 11
F. ***Additional Notification*** 12

PART IV. SPECIAL CONDITIONS OF DISCHARGES **12**

A. ***Notifications*** 12
B. ***Effluent Limitations and Monitoring Requirements*** 13
1. *Treated tank bottom wastewater from petroleum storage tanks to surface waters* *13*
2. *Discharges from Disinfection and Hydrostatic Testing of Pipes, Pipelines, and Tanks and Mechanical Cleaning of Potable Water Pipes and Tanks* *14*
3. *Wastewater from draining or flushing of fire control systems* *16*
4. *Discharges from Potable Water Systems* *17*
5. *Untreated "water" in excess of 10,000 gallons per day as a monthly average from water storage or distribution systems, including but not limited to hydrogeologic/aquifer/well head yield-testing* *18*
6. *Storm Water Discharges from Aboveground Petroleum Storage Tank Containment Structures* *19*

PART V. MONITORING AND REPORTING **20**

A. REPRESENTATIVE SAMPLING 20
B. SAMPLING AND ANALYTICAL METHODS 20
C. DATA RECORDING REQUIREMENTS 20
D. MONITORING EQUIPMENT MAINTENANCE 21
E. ADDITIONAL MONITORING BY PERMITTEE 21
F. REPORTING MONITORING RESULTS 21
G. RECORDS RETENTION 21
H. NONCOMPLIANCE WITH DISCHARGE LIMITS 21

PART VI. VIOLATION OF PERMIT CONDITIONS **22**

A. COMPLIANCE WITH THIS GENERAL PERMIT AND WATER POLLUTION ABATEMENT STATUTES 22
B. CIVIL AND CRIMINAL LIABILITY 22
C. ACTION ON VIOLATIONS 22
D. CIVIL PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS 22
E. CRIMINAL PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS 23
F. PENALTIES FOR FALSIFICATION AND TAMPERING 23

PART VII. GENERAL CONDITIONS **23**

A. RIGHT OF ENTRY 23
B. PROPERTY RIGHTS/COMPLIANCE WITH OTHER REQUIREMENTS 24
C. DUTY TO PROVIDE INFORMATION 24
D. BYPASSING 24
E. CONDITIONS NECESSARY FOR DEMONSTRATION OF AN UPSET 24
F. REMOVED SUBSTANCES 25
G. FACILITY OPERATION AND MAINTENANCE 25
H. POWER FAILURE 25
I. OTHER INFORMATION 25
J. AVAILABILITY OF REPORTS 25
K. TOXIC POLLUTANTS 26
L. OIL AND HAZARDOUS SUBSTANCES PROHIBITED 26
M. WATER CONSTRUCTION AND OBSTRUCTION 26
N. PROTECTION OF WATER QUALITY 26
O. PERMIT MODIFICATION 26
P. IMPAIRED RECEIVING WATERS AND TOTAL MAXIMUM DAILY LOADS. 26
Q. TOTAL MAXIMUM DAILY LOAD (TMDL) 27
R. SEVERABILITY 27

PART VIII. AUTHORITY TO ISSUE GENERAL NPDES PERMITS **27**

PART I. APPLICABILITY AND COVERAGE

Pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and the provisions of the Federal Clean Water Act (CWA), 33 U.S.C. §1251 et seq. and implementing regulations 40 CFR Parts 122, 123, 124, and 125, the Maryland Department of the Environment, hereinafter referred to as the "Department", hereby authorizes operators located in the state of Maryland, who have submitted a notice of intent (NOI) and received written approval from the Department, to discharge wastewater from hydrostatic testing and related discharges described herein to waters of the state of Maryland in accordance with the eligibility requirements and other conditions set forth in this permit and consistent with the permittees' NOI on file with the Department.

A. *Geographic Coverage*

This permit covers discharges to surface or groundwater located within the territorial boundaries of the state of Maryland.

B. *Eligible Discharges*

This permit covers the following discharges:

1. Treated tank bottom wastewater from petroleum (i.e., gasoline, kerosene, fuel oil, 'Number 6 oil' and aviation fuel only) storage tanks to surface waters;

2. Wastewater from the disinfection (only disinfection agents containing bromide or chloride are authorized) or hydrostatic testing of pipes, pipelines or tanks;

3. Wastewater from draining or flushing of fire control systems;

4. Discharges from potable water systems resulting from the overflow, flushing, disinfection, hydrostatic testing, mechanical cleaning, or dewatering of vessels or structures used to store or convey potable water;

5. Untreated "water" in excess of 10,000 gallons per day as a monthly average from water storage or distribution systems, including but not limited to hydrogeologic/aquifer/well head yield-testing; and

6. Storm water discharges from petroleum storage tank containment structures.

C. *Ineligible Discharges*

The following discharges are not eligible for coverage under this general permit:

1. Discharges of any type from oil terminals;

2. Tank bottom wastewater discharges to groundwater of the state;

3. Wastewater from the chemical cleaning of storage tanks, pipes and pipelines; and

4. Wastewater discharges to groundwater that, before treatment, contain concentrations of benzene, lead, or other substances in excess of Toxicity Characteristic Leaching Procedures (TCLP) concentrations as defined in COMAR 26.13.02.14.

D. *No Permit Required*

No discharge permit is required for the discharge of water from impoundments formed by the damming of natural drainage paths, or for the discharge of any untreated "waters" less than 10,000 gallons per day, as a monthly average.

E. *Individual Permit or Another General Permit Required*

1. If the Department determines that a discharge may cause an in-stream exceedance of water quality standards, the Department may require additional actions, including an application for an individual permit.

2. The Department may require any person authorized by this permit to apply for and obtain an individual state or state/NPDES discharge permit or obtain coverage under another general permit. If an owner or operator fails to submit, in a timely manner, an application for the Department-required individual state or state/NPDES discharge permit or a Notice of Intent (NOI) for another general permit as established by this condition, the applicability of this permit to the owner or operator is automatically terminated. Effective at the end of such day that was specified by the Department for the application or NOI to be submitted this permit is terminated and the permittee's continuance of discharges that are covered by this permit is no longer authorized.

3. Any person authorized by this permit may request to be excluded from coverage under this permit by applying for an individual state or state/NPDES discharge permit or requesting coverage under another general permit. The Department may grant this request by issuing an individual state or a state/NPDES discharge permit or by granting coverage under another general permit, if the reasons cited by the owner or operator are adequate to support the request.

4. When an individual state or state/NPDES discharge permit is issued to a person for discharges otherwise subject to this permit, the applicability of this permit to the permittee is automatically terminated on the effective date of the individual state or state/NPDES discharge permit.

5. If there is evidence indicating potential or realized impacts on water quality due to any activity covered by this permit, the owner or operator of the discharging facility may be required to obtain an individual state or a state/NPDES discharge permit or coverage under another general permit.

6. If a person otherwise covered under this permit is denied coverage under an individual state or a state/NPDES discharge permit, the denial automatically terminates on the date of the denial, the person's coverage under this general permit, unless otherwise specified by the Department.

7. The Department may process an NOI as an application for an individual permit if site specific conditions do not allow registration of the facility under the general permit without compromising water quality. Such circumstances may occur when a permittee proposes to discharge to impaired waters, with or without an existing Total Daily Maximum Load (TMDL), or for discharges to high quality waters.

F. *Termination of Permit*

1. The Department may terminate coverage under this general permit for an existing permittee if the Department finds that:

a. The NOI contained false or inaccurate information;

b. Conditions or requirements of the discharge permit have been or are about to be violated;

c. Substantial deviation from plans, specifications, or requirements has occurred;

d. The Department has been refused entry to the premises for the purpose of inspecting to insure compliance with the conditions of the discharge permit;

e. A change in conditions exists that requires temporary or permanent reduction or elimination of the permitted discharge;

f. Any state or federal water quality stream standard or effluent standard has been or is likely to be violated; or

g. Any other good cause exists for terminating coverage under this permit.

2. If the Department terminates permit coverage as a result of one of the conditions listed in Section F-1 above, the permittee must apply for an individual permit immediately. The permittee must also cease any and all activities listed in PART I - Section B. until coverage is granted under an individual permit. If there are periods of discharge between the termination of the general permit and the effective date of the individual permit, the facility operator and owner are accountable for those discharges and any violations of state and federal law are subject to penalty as detailed in PART VI.

3. Any permittee not requesting termination of permit coverage remains responsible for meeting all permit requirements, including monitoring and reporting. A permittee should request permit termination by submitting a Notice of Termination (NOT) MDE/WMA/PER.005 form (*http://www.mde.state.md.us/*) if:

a. All discharges have permanently ceased.

b. For discharge of storm water from containment structures, all product has been permanently removed from storage tanks and all residual contamination in the containment structure has been removed.

G. *Authorization*

1. To be authorized to discharge under this general permit, a person is required to submit an NOI in accordance with the requirements of PART III of this permit, pay the required fee, receive notification from the Department of registration and comply with the terms and conditions of this permit. Coverage under this permit is effective on the date that the NOI is accepted by the Department, provided the NOI fee has been paid to the Department in accordance with the terms stipulated in PART III below. A person who submits such an NOI, is notified of its acceptance by the Department, complies with the terms and conditions of this permit, and pays the required fee, is authorized to discharge under the terms and conditions of this general permit.

2. If the NOI fee is paid by check which does not clear for any reason, the applicant will be given 30 calendar days to make proper payment, including any interest and other charges. If payment is not received by the 31st calendar day, coverage under this permit shall be considered void from the outset. The permittee should save the cancelled check, a copy of the completed NOI, and the registration letter from the Department. These documents shall be provided to the Department upon request.

H. *Transfer of Authorization*

1. The authorization under this permit is not transferable to cover a change in facility location.

2. The authorization under this permit is not transferable to any person except in accordance with this section.

3. Authorization to discharge under this permit may be transferred to another person if:

a. The current permittee notifies the Department's Wastewater Permits Program in writing of the proposed transfer along with the submittal of form MDE/WMA/PER.079 (*http://www.mde.state.md.us/*);

b. A written agreement, indicating the specific date of the proposed transfer of permit coverage and acknowledging the responsibilities of the current and new permittee for compliance with and liability for the terms and conditions of this permit, is submitted to the Department;

c. The new permittee either confirms in writing that the type of discharge, number of outfalls, and other information given on the original NOI remain correct or submits a modified NOI; and

d. Neither the current permittee nor the new permittee receives notification from the Department, within 30 days of receipt of items a through c above, of intent to terminate coverage under this permit.

4. The Department may continue coverage for the new permittee under this permit or may require the new permittee to apply for and obtain an individual state or state/NPDES discharge permit.

5. The new permittee is responsible for any permit fees unpaid by the former permittee.

I. ***Continuation of an Expired General Permit***
The terms and conditions of this permit and authorized permit registrations are automatically continued and remain fully effective and enforceable upon expiration of this permit until the date(s) specified under a reissued general permit unless the permit or authorization is revoked or terminated by the Department.

J. ***Change in Location***
Registration under this permit is specific to a geographic location. If an operation moves, the permittee must submit a Notice of Termination (NOT) MDE/WMA/PER.005 form (*http://www.mde.state.md.us/*) as stated in Section F, above. They must also apply for coverage at the new location by submitting a new NOI.

PART II. DEFINITIONS

A. ***"Bypass"*** means the intentional diversion of wastes from any portion of a treatment facility.

B. ***"CFR"*** means Code of Federal Regulations.

C. ***"COMAR"*** means Code of Maryland Regulations.

D. "***Daily determination of concentration***" means one analysis performed on any given sample representing flow during a calendar day, with one number in mg/L or other appropriate units as an outcome.

E. ***"Daily maximum"*** effluent concentration means the highest reading of any daily determination of concentration.

F. "***Department***" means the Maryland Department of the Environment.

G. ***"Discharge"*** means:

1. The addition, introduction, leaking, spilling, or emitting of any pollutant to waters of this state; or

2. The placing of a pollutant in a location where the pollutant is likely to pollute.

H. "***Disinfectant***" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone, added to the water in any part of the treatment or distribution process, that is intended to inactivate pathogenic microorganisms. For the purposes of this permit, this shall be identified as a post washing activity.

I. ***"Estimated flow"*** means a calculated volume or discharge rate that is based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters, and batch discharge volumes.

J. ***"Federal Clean Water Act" (CWA)*** means the Federal Water Pollution Control Act Amendments of 1972, its amendments and all rules and regulations adopted there under.

K. ***"Flushing"*** means the rinsing of pipes, tanks, or reservoirs with untreated "water" or with potable water to remove solids that have accumulated during construction or from settling. Flushing does not include any introduction of cleaners or chemicals into the pipes or tanks.

L. ***"General permit"*** means a discharge permit issued for a class of dischargers.

M. ***"Grab sample"*** means an individual sample collected over a period of time not exceeding 15 minutes. Grab samples collected for pH and total residual chlorine shall be analyzed within 15 minutes of time of sample collection.

N. ***"Groundwater"*** means underground water in a zone of saturation.

O. ***"Impaired water"*** means water whose quality does not meet its designated use(s). For purposes of this permit 'impaired' refers to threatened and impaired waters:

1. For which TMDLs have been established,

2. For which existing controls such as permits are expected to resolve the impairment, or

3. For which a TMDL is required.

Impaired waters compilations are also sometimes referred to as 303(d) lists, and are included in Maryland's most current List of Impaired Surface Waters [*as* Category 4 or 5] (*http://www.mde.maryland.gov/Programs/WaterPrograms/TMDL*).

P. ***"Includes" or "including"*** means includes or including by way of illustration and not by way of limitation.

Q. ***"NPDES permit"*** means a National Pollutant Discharge Elimination System permit issued under the Federal Clean Water Act.

R. ***"NOI"*** means Notice of Intent to be covered by this permit (see PART III of this permit).

S. "***Oil and grease***" refers to the use of and results yielded from EPA Method 1664 (or any EPA approved revisions of this analytical test method approved for use with Federal Clean Water Act monitoring programs).

T. ***"Oil terminal"*** means a facility that is principally engaged in the storage and transfer of petroleum products.

U. ***"Operator"*** means that person or those persons with responsibility for the management and performance of each facility.

V. "***Outfall***" means the permit authorized wastewater discharge location

W. ***"Permittee"*** means the person holding a permit issued by the Department and authorized to discharge under the provisions of this general permit.

X. ***"Persistent Foam"*** means foam that does not dissipate within one half-hour of point of discharge and: forms objectionable deposits on the receiving water; forms floating masses producing a nuisance; produces objectionable color or odor; or interferes with a designated use of the water body. It does not mean foaming of the receiving water body caused by natural conditions**.**

Y. ***"Person"*** means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind, and any partnership, firm, association, corporation, or other entity. Person includes the federal government, this state, any county, Municipal Corporation or other political subdivision of this state or any of their units.

Z. ***"Pollution Prevention Plan (PPP)"*** means a plan for diverting, detaining, treating and/or otherwise controlling discharges of potable water through physical, chemical or other means such as employee training, minimizing response time, and strategic maintenance planning to minimize the introduction of pollutants into ground or surface waters.

AA. ***"Potable water"*** means water that is free from impurities in amounts sufficient to cause disease or harmful physiological effects and which conforms with COMAR 26.04.01 Quality of Drinking Water in Maryland. For this permit, it also refers to drinking water that has been chemically treated.

BB. ***"Sewage"*** means water-carried human, domestic and other wastes and includes all human and animal excreta from residences, buildings, industrial establishments, or other places.

CC. ***"State discharge permit"*** means the discharge permit issued under the Environment Article, Title 9, Subtitle 3, Annotated Code of Maryland.

DD. ***"Storm water"*** means that portion of precipitation, including snow melt runoff, that, once having fallen to the ground, is in excess of the evaporative or infiltrative capacity of soils, and the retentive capacity of surface features, which flows or will flow off the land by surface runoff to waters of the state.

EE. ***"Super chlorination"*** means the addition of chlorine resulting in levels exceeding four parts per million (4ppm)

FF. ***"Surface waters"*** means all waters of this state that are not groundwaters.

GG. ***"Tank bottom"*** means wastewater and attendant sludge that separates from the petroleum or other chemical contents of a storage tank and collects at the bottom or top of the tank.

HH. ***"Territorial boundaries"*** means both land and waters of the state.

II. ***"Total Maximum Daily Load (TMDL)"*** means a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources.

JJ. ***"Upset"*** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

KK. ***"Wastewater"*** means any:

1. Liquid waste substance derived from industrial, commercial, municipal, residential, agricultural, recreational, or other operations or establishments; and
2. Other liquid waste substance containing liquid, gaseous or solid matter and having characteristics that will pollute any waters of the state.

LL. ***"Water"*** means the liquid substance which is derived from a groundwater source, a surface water source, or any combination of these sources, and which will be discharged, without change in quality, into waters of this state, with the exception of storm water runoff.

MM. ***"Waters of the state"*** includes:

1. Both surface and underground waters within the boundaries of this state subject to its jurisdiction, including that part of the Atlantic Ocean within the boundaries of this state, the Chesapeake Bay and its tributaries, and all ponds, lakes, rivers, streams, tidal and nontidal wetlands, public ditches, tax ditches, and public drainage systems within this state, other than those designed and used to collect, convey, or dispose of sanitary sewage; and

2. The flood plain of free-flowing waters determined by the Department of Natural Resources on the basis of the 100-year flood frequency.

NN. ***"Water Quality Standard"*** means such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in COMAR 26.08.02 *(http://www.dsd.state.md.us/comar/).*

PART III. CONDITIONS of REGISTRATION

A. *Requests for Registration and Fee Requirements*

1. Notice of Intent (NOI)

a. Applicants shall complete all required information on this permit's corresponding NOI Form MDE-WMA-PER011 *(http://www.mde.state.md.us)*, including: permittee name, address, electronic-mail (email) address, and telephone number; facility location including address and latitude and longitude; any preexisting NPDES permit number; receiving water body(s) for each outfall/discharge, and discharge type and flow (expressed as gallons per day) for each outfall (or discharge location). Identify the material for which the pipe, pipeline or tank will or has been used to store or convey. Detailed instructions on how to complete the NOI are located on the back of the form. The current fees in effect are included on the NOI instructions.

A site map shall be included with the NOI identifying discharge locations. The map should provide significant points of reference (i.e., road, building etc.) near the discharge location and must identify all surface waters within a quarter mile of the discharge point. For publicly owned potable water systems, a map of the entire system bounded by the community shall be provided and identify major discharge points (e.g., storage tanks, wells, etc.). All discharge locations shall correspond to those identified on the NOI.

A latitude and longitude must be provided for each discharge point. All locations are to be provided in North American Datum (NAD83), Geographic Projection of Latitude/Longitude in Decimal Degrees.

2. Permit Fee

a. Persons who intend to obtain coverage under this general permit shall submit an initial permit fee to the Department with the NOI form, and an annual fee each year thereafter per COMAR 26.08.04.09-1 (G).

b. The initial fee requirement as indicated in the NOI instructions shall be made payable to the Maryland Department of the Environment and sent together with the completed NOI and site map to:

Maryland Department of the Environment
P.O. Box 2057
Baltimore, MD 21203-2057

c. The Department will bill the permittee annually, and the fee shall be paid by the anniversary date of the effective date of the permit each year after the first.

B. ***Deadlines for Notification***

1. New Discharges
At least 60 days prior to the commencement of any new discharge covered under this general permit, a person shall request coverage by submitting a NOI in accordance with the requirements of this PART.

2. Renewals of General Permit 06-HT
Within 60 days after the effective date of this permit, any permittee currently registered under General Permit 06-HT shall submit to the Department a new NOI and fee in order to obtain coverage under this permit. Failure to provide the required documents will result in automatic termination of coverage under General Permit 06HT and the discharger will be subject to enforcement by the Department for discharging without a permit unless the permittee previously provided notice that this discharge has been terminated in accordance with the requirements of the permit. Permittees who submit timely notification for continued permit coverage shall operate under the administratively extended permit 06HT until receiving notification from the Department of coverage (or denial of coverage) under the new permit.

3. All Discharges
The Department may bring an enforcement action for failure to submit a NOI in a timely manner, or for any unauthorized discharges that occurred prior to obtaining coverage under this permit.

C. ***Required Signatures***

1. Certification. Any person signing a NOI shall make the following certification as part of the NOI.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

2. Signatories. All permit documents shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

i.) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

ii.) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipal, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

i.) The chief executive officer of the agency; or

ii.) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of the EPA).

3. Report Submission

a. All reports required by permits, and other information requested by the Department shall be signed by a person described in PART III - Section C.2 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

i.) The authorization is made in writing by a person described in PART III - Section C.2;

ii.) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company; and

iii.) The written authorization is submitted to the Department.

b. If an authorization under this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of PART III - Section C.3(a) must be submitted to the Department prior to or together with any reports, information or applications to be signed by an authorized representative.

D. ***Failure to Notify***

Persons who engage in an activity covered under this permit, who fail to notify the Department of their intent to be covered under this permit, and who discharge to waters of the state without an individual state or state/NPDES discharge permit, are in violation of the CWA and of the Environment Article, Annotated Code of Maryland, and may be subject to penalties.

E. ***Change in Discharge***

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit at a level in excess of that authorized shall constitute a violation of the terms and conditions of this permit. The permittee shall report any anticipated facility expansions, additional or relocated outfalls, or process modifications which will result in new, different or an increased discharge of pollutants by submitting a new NOI (*http://www.mde.state.md.us*) at least 90 days prior to the commencement of the changed discharge. Based on its evaluation of the revised NOI the Department may:

a. Continue to authorize the discharge under the permittees' current registration; or

b. Require the permittee to apply for an individual state or state/NPDES discharge permit.

For any potable water system structural additions, updates to the map shall be submitted to the Department and to any affected storm sewer system authority 30 days prior to the flushing season.

F. ***Additional Notification***

Any facility registered under this permit that discharges into a municipal storm sewer system shall notify the operator of any single discharge of 100,000 gallons or more and make its pollution prevention plan available to the operator of that system. Local storm sewer systems under NPDES permits are listed at
http://www.mde.maryland.gov/programs/water/stormwatermanagementprogram/pages/programs/waterprograms/sedimentandstormwater/storm_gen_permit.aspx
Contacts for large systems are available at
http://www.mde.maryland.gov/programs/water/stormwatermanagementprogram/documents/www.mde.state.md.us/assets/document/sedimentstormwater/npdes_phase_1_contacts.pdf

PART IV. SPECIAL CONDITIONS of DISCHARGES

A. *Notifications*

1. Notification Prior to Discharge

a. If the total wastewater discharge from any single hydrostatic test event will exceed 100,000 gallons within a 24-hour period or the rate of discharge will equal at least 50% of the flow of the receiving stream, the permittee shall notify the Water Management Administration's Compliance Program by phone at 410-537-3510 no later than 48 hours prior to the first discharge.

b. For all hydrostatic testing discharges, the permittee shall include with the NOI an approximate schedule of discharges, and shall name a contact person who can provide updated scheduling information if necessary.

c. For potable water system discharges, the permittee shall identify on the NOI a contact person who can provide discharge schedules upon request.

2. Notification of the Discharge of a Pollutant Not Limited in This Permit

The permittee shall notify the Department as soon as it is known or suspected that any toxic pollutants which are not specifically limited by this permit have been discharged at or above levels specified in 40 CFR Part 122.42. This notification requirement may be modified by the Department at its discretion.

3. Submittal of Notifications

All notifications shall be made to the Water Management Administration's Compliance Program at 410-537-3510 or, where permissible, in writing to:

Maryland Department of the Environment
WMA - Compliance Program
1800 Washington Blvd., Suite 425
Baltimore, MD 21230

B. *Effluent Limitations and Monitoring Requirements*

1. Treated tank bottom wastewater from petroleum storage tanks to surface waters

a. Biomonitoring Program

i.) Within three months after registration under this permit, and prior to any discharge of tank bottom wastewater, the permittee shall submit to the Department for approval a study plan to evaluate wastewater toxicity by using biomonitoring. The study plan should include a discussion of:

1. sampling & sample handling;
2. source & age of test organisms;
3. source of dilution water;
4. testing procedures/experimental design;
5. data analysis;
6. quality control/quality assurance; and
7. report preparation.

ii.) The testing program shall consist of one definitive acute testing event. This testing shall not be performed before the Department's acceptance of the study plan.

1. The testing event shall include a 48-hour static renewal test using fathead minnow and a 48-hour static renewal test using a daphnid species.
2. If the receiving water is estuarine the permittee may substitute estuarine species for those species specified above. Approved estuarine species for acute testing are sheepshead minnows, silversides, grass shrimp, and mysid shrimp. In all cases, testing must include one vertebrate species and one invertebrate species.

iii.) The sample used for biomonitoring shall be collected in the same manner and location as the samples analyzed for the effluent limitations and monitoring requirements for this outfall, and shall not be chlorinated.

iv.) Testing shall be conducted in accordance with the procedures described in the EPA's Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, October 2002 and further revisions found on the EPA's website at (http://water.epa.gov/scitech/methods/cwa/wet/disk2_index.cfm).

v.) Test results shall be submitted to the Department within one month of completion.

vi.) Test results shall be reported in accordance with MDE/WMA "Reporting Requirements for Effluent Biomonitoring Data".

vii.) If testing is not performed in accordance with MDE-approved study plan, additional testing may be required by the Department.

viii.) If the test results indicate that the effluent is toxic, the discharge will not be authorized by this permit.

ix.) Submit all biomonitoring-related materials to:

Maryland Department of the Environment
WMA - Compliance Program
1800 Washington Boulevard, STE-420
Baltimore, Maryland 21230
Attn: Biomonitoring

b. Conditions

i.) The permittee is authorized to discharge treated tank bottom wastewater to surface waters of this state only after confirming, via biomonitoring, that each batch is not acutely toxic.

ii.) Biomonitoring results shall be submitted to and approved by the Department before discharge.

iii.) Discharges shall not contain visible oil sheen, floating solids or persistent foam.

iv.) Each batch of tank bottom wastewater shall meet the effluent limitations specified below at the final discharge point.

PARAMETER	QUANTITY or LOADING			FREQUENCY OF ANALYSIS	SAMPLE TYPE
	Daily Maximum	Monthly Average	Units		
Flow[i]	REPORT	REPORT	gpd	1/discharge	measured
	QUALITY OR CONCENTRATION				
Oil & Grease[ii]	15	***	mg/L	3/discharge	grab
BTEX[ii, iii]	100	***	µg/L		
Benzene[ii]	22	***	µg/L		
Total Suspended Solids (TSS)[ii]	60	***	mg/L		

Notes:

i.) *Applicable to Flow:* Total flow shall be measured for the period of discharge and the flow divided by the time over which the discharge occurred.

ii.) *Applicable to Oil & Grease, BTEX, Benzene and TSS:* three grab samples, evenly spaced over the course of each discharge period, shall be collected and analyzed separately.

iii.) *Applicable to BTEX*: Defined as the sum of the benzene, toluene, ethylbenzene, and xylene concentrations. The permittee shall include in the DMR the total BTEX and each individual concentration of benzene, toluene, ethylbenzene, and xylene.

2. Discharges from Disinfection and Hydrostatic Testing of Pipes, Pipelines, and Tanks and Mechanical Cleaning of Potable Water Pipes and Tanks

a. Discharges of wastewater from disinfection (chlorine or bromine only as a disinfecting agent) or hydrostatic testing of new or used tanks, pipes, or pipelines, and super chlorinated water and mechanical cleaning of potable water pipes and tanks shall meet the limitations specified below at the final discharge point.

PARAMETER	QUANTITY or LOADING				FREQUENCY OF ANALYSIS	SAMPLE TYPE
	MONTHLY AVERAGE	DAILY MAXIMUM	TOTAL QUARTERLY FLOW	UNITS		
Flow	REPORT[±]	REPORT[±]	REPORT[±]	gpd	1/discharge	measured[±] *see note below*

NOTE: *Shall be measured for the period of discharge and the flow divided by the time over which the discharge occurred.*

PARAMETER	QUALITY or CONCENTRATION			FREQUENCY OF ANALYSIS	SAMPLE TYPE	**Parameter Specific Requirements**
	MINIMUM	DAILY MAXIMUM	UNITS			
Oil & Grease (O&G)		15	mg/L	Three grab samples, evenly spaced over the course of each discharge period, shall be collected and analyzed separately.		*Required only for discharges from tanks, pipes or pipelines previously used to store or convey these types of materials, including animal or vegetable oils, petroleum products, and natural gas*
Total Residual Chlorine		19 (fresh) 13 (salt)	µg/L			*1) Monitoring required only if the test or disinfection water, or flushing water (potable water systems, only) has been chlorinated or comes from a chlorinated water supply* *2) Total Residual Chlorine limits are 19 µg/L for discharges to fresh water and 13 µg/L for discharges to salt water* *3) The minimum quantification level for total residual chlorine is 0.10 mg/L. Report all results below the minimum level as "<0.10 mg/L"*
Total Suspended Solids (TSS)		60	mg/L			*Not required for discharges from disinfection of potable water pipes or tanks unless Mechanical Cleaning has been performed.*
Dissolved Oxygen (DO)	Refer to parameter specific require-ments 1 & 2		mg/L			*1) Monitoring required only if the wastewater is chemically dechlorinated.* *2) The daily minimum dissolved oxygen limit is:* *a. 5.0 mg/L for discharges to Use I, I-P, and II waters; and* *b. 6.0 mg/L for discharges to Use III, III-P, IV, and IV-P waters.*
pH	6.0	9.0	s.u.			
Temperature		REPORT	ºF	2/discharge	i-s	*Required May through October only for use III, III-P, IV, and IV-P waters; at beginning of discharge and midway through discharge. The receiving stream standards are as follows:* *1) Use III and III-P: 68ºF* *2) Use IV and IV-P: 75ºF*
Temperature Difference	0*		ºF	2/discharge	i-s	**See **note** below*

NOTE: *The temperature difference shall be measured as follows: The discharge shall not cause the temperature of the receiving waters to exceed the water quality criteria described above, or if the ambient stream temperature already exceeds those criteria, then the discharge shall not cause a measureable rise in the receiving water temperature beyond a mixing zone. The allowable mixing zone for temperature in still water is 50 feet radially from the outfall and in flowing water, 50 feet from the discharge point (outfall) in the direction of flow at the time of measurement. To quantify these variables, this permit expresses the results as "temperature difference", which is the arithmetic result of subtracting the effluent temperature or the temperature at the effluent first, and if the temperature is less than or equal to the stream standard, no in-stream measurements are necessary and the permittee shall report "<0" on the discharge monitoring report (DMR).*

b. All used tanks, pipes or pipelines shall be cleaned before being filled with test water. All wastewater and removed solids resulting from cleaning operations shall be properly disposed in a manner which will not result in a discharge to waters of the state.

c. If the wastewater discharge is solely to groundwater, the above effluent limitations and monitoring requirements are waived except for flow and oil and grease.

d. The permittee shall take all necessary measures to prevent erosion damage during the discharge. Any gullying greater than six inches in depth is considered excessive erosion. If the discharge is onto normally dry land or a dry drainage channel, these preventive measures may include, but are not limited to, discharge via a diffuser, discharge into riprap, discharge into a splash barrier, and flow rate controls. If the discharge is directly into flowing or standing water, preventive measures include flow rate control and locating the point of discharge in the receiving water at a sufficient depth to avoid bottom scour.

e. If water for testing purposes is appropriated from surface or groundwaters of the state, the permittee shall obtain, if necessary, a water appropriation permit from the Department. If water is withdrawn from surface sources for testing purposes, the raw water intake shall be placed off the bottom of the waterway and a screen shall surround the end of the intake pipe. If possible, water shall not be withdrawn immediately after a rain event has significantly elevated the turbidity of the water supply. High suspended solids in the test water will not be justification for exceeding the TSS discharge limit.

f. If test water is discharged into an oil/water separator, settling basin or any other treatment system normally used to treat process or storm water, the rate of discharge shall not exceed the design capacity of the treatment system.

g. Discharges shall not contain visible oil sheen, floating solids or persistent foam.

3. Wastewater from draining or flushing of fire control systems

a. The permittee shall take all necessary measures to prevent erosion damage during the discharge. Any gullying greater than six inches in depth is considered excessive erosion. If the discharge is onto normally dry land or a dry drainage channel, these preventive measures may include, but are not limited to, discharge via a diffuser, discharge into riprap, discharge into a splash barrier, and flow rate controls. If the discharge is directly into flowing or standing water, preventive measures include flow rate control and locating the point of discharge in the receiving water at a sufficient depth to avoid bottom scour.

b. The discharge shall not cause the temperature of the receiving waters, beyond a mixing zone that in still water extends 50 feet radially from the outfall and in flowing water, 50 feet from the discharge point (outfall) in the direction of flow at the time of measurement to exceed 68°F in Use III or III-P receiving waters, 75°F in Use IV or IV-P receiving waters, and 90°F in Use I, I-P, or II receiving waters. If the ambient temperature of the receiving waters exceeds these standards, the temperature of the discharge shall not increase the ambient temperature of the stream.

c. For discharges over 100,000 gallons or those that equal at least half the flow in the receiving stream and which occur between May 1st and November 1st, the permittee shall verify compliance with the temperature limits identified above by measuring the temperature of the water to be discharged within a half-hour prior to discharge. If the temperature of the discharge exceeds 68°F, the permittee shall measure the temperature of the receiving waters at the edge of the mixing zone midway through the discharge period.

d. The results of monitoring in *b* and *c,* above, shall be kept with the permit registration letter, and made available to the Department upon request.

e. Per COMAR 26.08.03.06, the discharge shall not contain chlorine or chlorine-containing compounds except in nondetectable levels. The nondetectable level shall be less than 0.1 milligram/Liter as determined using either the DPD titrimetric or colorimetric method or an alternative method approved by the Department. Dechlorination may be accomplished by:

i.) Chemical addition;
ii.) Absorption onto activated carbon;
iii.) Control of discharge rates or holding of the effluent so that chlorine residuals are reduced to the nondetectable level; or
iv.) Any other method approved in advance by the Department.

f. Discharges shall not contain visible oil sheen, floating solids or persistent foam.

4. <u>Discharges from Potable Water Systems</u>

This section covers all discharges from potable water utilities except any discharges from super chlorination of pipes or tanks. Super chlorinated discharges and mechanical cleaning shall meet the limits as identified in PART IV - Section B.2 - *Discharges from Disinfection and Hydrostatic Testing of Pipes, Pipelines, and Tanks*.

a. The permittee is authorized to discharge water from the overflow, draining, or dewatering of reservoirs, vessels or structures used to store or convey potable water for consumption including standing water, and water from flushing, hydrostatic testing, mechanical cleaning, water main breaks, leaks, or other releases.

b. All facilities shall develop a Pollution Prevention Plan (PPP) with technology based best management practices. The PPP is subject to the review and approval of the Department, upon request. For new permittees, the PPP shall address an inventory of planned discharges and their quality and necessary treatment, and shall be implemented within six months of registration under the permit. For facilities renewing permit coverage, the plan shall be reviewed and updated prior to application for permit coverage, and as necessary.

i.) The PPP shall include:

1. An inventory of anticipated discharges, including type of discharge (from flushing, line maintenance, tank cleaning, etc.), and any scheduled events.
2. The expected quantity, quality, and location of each discharge.

3. All potential discharge alternatives including disposal into the sanitary sewer, overland flow, storm sewer, or other potential alternatives.
4. Any available data on the quality of previous discharges of different types, at the point where it leaves the system and at the point of entry into state waters.
5. All treatment options available for different discharge types and in different locations.
6. Stream designations and other factors used to determine the impact of the discharge upon waters of the state.

ii.) Water quality data from previous discharges and location and volume of anticipated discharges shall be considered in developing the most protective treatment methods.

iii.) The Department may notify the permittee at any time that the PPP does not meet one or more of the minimum requirements of this PART. After such notification from the Department, the permittee shall make changes to the PPP to correct the deficiencies and shall submit to the Department a written certification that the requested changes have been made. The permittee shall have 90 days after such notification to make the necessary changes in the PPP and shall implement the changes as agreed between the permittee and the Department.

iv.) The PPP shall address practices to ensure the discharge intends to meet the conditions associated with COMAR 26.08.03.06.

c. The discharge shall not cause the temperature of the receiving waters, beyond a mixing zone that in still water extends 50 feet radially from the outfall and in flowing water, 50 feet from the outfall in the direction of flow at the time of measurement, to exceed 68°F in Use III or III-P receiving waters, 75°F in Use IV or IV-P receiving waters, and 90°F in Use I, I-P, or II receiving waters. If the ambient temperature of the receiving waters exceeds these standards, the temperature of the discharge shall not exceed (to the nearest degree F) the ambient temperature of the stream.

d. For discharges over 100,000 gallons or those that equal at least half the flow in the receiving stream and which occur between May 1st and November 1st, the permittee shall verify compliance with the temperature limits identified above by measuring the temperature of the water to be discharged within a half-hour prior to discharge. If the temperature of the discharge exceeds 68°F, the permittee shall measure the temperature of the receiving waters at the edge of the mixing zone midway through the discharge period.

e. The results of monitoring in *c* and *d,* above, shall be kept with the permit registration letter, and made available to the Department upon request.

f. The permittee shall take all necessary measures to prevent erosion damage during the discharge. Any gullying greater than six inches in depth is considered excessive erosion. If the discharge is onto normally dry land or a dry drainage channel, these preventive measures may include, but are not limited to, discharge via a diffuser, discharge into riprap, discharge into a splash barrier, and flow rate controls. If the discharge is directly into flowing or standing water, preventive measures include flow rate control and locating the point of discharge in the receiving water at a sufficient depth to avoid bottom scour.

5. <u>Untreated “water” in excess of 10,000 gallons per day as a monthly average from water storage or distribution systems, including but not limited to hydrogeologic/aquifer/well head yield-testing</u>

a. The permittee is authorized to discharge water from the overflow, draining, yield-testing or dewatering of reservoirs, drinking source wells and aquifers if they contain only untreated “water”.

b. The permittee shall take all necessary measures to prevent erosion damage during the discharge. Any gullying greater than six inches in depth is considered excessive erosion. If the discharge is onto normally dry land or a dry drainage channel, these preventive measures may include, but are not limited to, discharge via a diffuser, discharge into riprap, discharge into a splash barrier, and flow rate controls. If the discharge is directly into flowing or standing water, preventive measures include flow rate control and locating the point of discharge in the receiving water at a sufficient depth to avoid bottom scour.

c. At any time after authorization under this permit, the Department may determine that the permittee's "water" discharge may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. If such a determination is made, the Department may require the permittee to:

i.) Modify any current controls to adequately address, achieve and document the identified water quality concerns;

ii.) Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; and/or

iii.) Cease discharges from the activity and submit an individual permit application according to PART I - Section E.

6. Storm Water Discharges from Aboveground Petroleum Storage Tank Containment Structures

a. The permittee is authorized to discharge storm water from within dikes, berms, walls or any other containment structure for aboveground petroleum storage sites with a storage capacity of 10,000 gallons or more, and shall meet the limitations specified below at the final discharge point. Monitoring is required only if a spill or leak of petroleum product has occurred in the containment area.

PARAMETER	QUALITY or CONCENTRATION		FREQUENCY of ANALYSIS	SAMPLE TYPE
	DAILY MAXIMUM	UNITS		
Oil & Grease[i]	15	mg/L	1/discharge	grab
BTEX[i, ii]	100	µg/L	1/discharge	grab
Benzene[i, ii]	22	µg/L	1/discharge	grab

Notes:

i.) *Applicable to all parameters*: Sampling for oil & grease shall continue once per discharge until there is no visible product on the water surface in the containment area and until at least three separate, consecutive discharge samples indicate compliance with the oil & grease limit.

ii.) *Applicable to BTEX and Benzene:* Monitoring for BTEX (benzene, toluene, ethylbenzene, and xylene) and benzene required only if a spill or leak of gasoline has occurred in the containment area. Sampling for BTEX shall continue once per discharge until there is no visible product on the water surface in the containment area and until at least three separate, consecutive discharge samples indicate compliance with the BTEX effluent limit. The permittee shall include in the DMR the total BTEX and each individual concentration of benzene, toluene, ethylbenzene and xylene.

b. The outlet from all containment structures shall be maintained in the closed position at all times except during the storm water drainage operations.

c. The permittee shall inspect the containment area at least once per month and shall maintain a logbook of observations, particularly noting any spills or leaks of petroleum products into the containment area. All spilled or leaked product in the containment area shall be removed as soon as possible.

d. If there has never been a leak or spill of petroleum products in the containment area, the permittee shall, at a minimum, make a visual inspection of the standing water before discharging.

e. Discharges shall not contain visible oil sheen, floating solids or persistent foam.

PART V. MONITORING AND REPORTING

A. *Representative Sampling*

1. Required samples and measurements shall be taken at such times as to be representative of the quantity and quality of the discharges during the specified monitoring periods. Where effluent authorized by this general permit mingles with other permitted discharges of wastewaters or waters, the time and place of sampling shall be chosen to uniquely represent the effluent authorized by this permit.

2. The permittee shall estimate flows and submit the following information with their discharge monitoring report each calendar year:

a. a description of the methodology used to estimate flow at each outfall where flow measurement equipment is not present;

b. documentation appropriate to the methodology utilized which provides information necessary to support the validity of the reported flow estimate. If actual measurements or observations are made, a description of typical sampling times, locations, and persons performing the measurements/observations should also be provided; and

c. a description of the factors (e.g. batch discharges, intermittent operation, etc.) which cause flow at the outfall to fluctuate significantly from the estimate provided.

B. *Sampling and Analytical Methods*

The sampling and analytical methods used shall conform to procedures for the analysis of pollutants as identified in 40 CFR 136 - "Guidelines Establishing Test Procedures for the Analysis of Pollutants" unless otherwise specified.

C. *Data Recording Requirements*

For each measurement or sample taken to satisfy the requirements of this permit, the permittee shall record the following information:

1. The exact place, date, and time of sampling or measurement;
2. The person(s) who performed the sampling or measurement;
3. The dates and times the analyses were performed;
4. The person(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of all required analyses.

D. ***Monitoring Equipment Maintenance***

The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation to insure accuracy of measurements.

E. ***Additional Monitoring by Permittee***

If the permittee monitors any pollutant more frequently than required by this permit, the permittee shall use approved analytical methods as specified in Section B above, and shall report the results of such monitoring, including the increased frequency, in the calculation and reporting of the values as required in Section F, below.

F. ***Reporting Monitoring Results***

1. Except as specified in PART IV - Section B.1, B.3(d) and B.4(e), all monitoring results obtained by the permittee during each calendar quarter shall be summarized on a DMR form (EPA No. 3320-1) for each outfall, as provided with registration under this permit. Results shall be submitted to the Department, postmarked no later than the 28th day of the month following the end of each calendar quarter (March, June, September and December), at the address below:

Maryland Department of the Environment
WMA - Compliance Program
1800 Washington Blvd., Suite 425
Baltimore, MD 21230
Attn: DMRs

2. Permittees shall submit the name and address of the laboratory performing analyses within 30 days of registration under this permit. If the permittee changes laboratories during the permit term, the Department shall be notified within 30 days in writing. This information shall be sent to the address listed in Section F.1, above.

3. All reports required by permits and other information requested by the Department shall be signed by a person described in PART III - Section C.2 or by a duly authorized representative of that person as described in PART III - Section C.3.

G. ***Records Retention***

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and original recordings from continuous monitoring instrumentation, shall be retained for a minimum of five (5) years. This period shall be extended automatically during the course of litigation, or when requested by the Department.

H. ***Noncompliance with Discharge Limits***

The discharge of any pollutant identified in this permit at a level in excess of the level authorized shall constitute a violation of the terms and conditions of this permit.

1. If, for any reason, the permittee does not comply with or will be unable to comply with any of the effluent limitations in this permit, the permittee shall notify, within 24 hours of discovery of the noncompliance, the:

Maryland Department of the Environment
WMA – Compliance Program
1800 Washington Boulevard, STE 420
Baltimore MD 21230
Phone: (410) 537-3510 Fax: (410) 537-4883

2. Within five calendar days, provide the Department with the following information in writing at the above address:

a. A description of the noncompliant discharge, including the date and time of its occurrence and its impact on the receiving water;

b. The cause of the noncompliance;

c. The anticipated time the cause of the noncompliance is expected to continue, or, if the condition has been corrected, the duration of the period of the noncompliance;

d. Steps taken by the permittee to eliminate the noncompliant discharge;

e. Steps planned and implemented by the permittee to prevent the recurrence of the noncompliance; and

f. A description of the permittee's accelerated or additional monitoring to determine the nature and impact of the noncompliant discharge.

3. The permittee shall take all reasonable steps to minimize or prevent any adverse impact to the waters of this state or to human health from noncompliance with any effluent limitations specified in this permit.

PART VI. VIOLATION OF PERMIT CONDITIONS

A. ***Compliance with this General Permit and Water Pollution Abatement Statutes***
The permittee shall comply at all times with the terms and conditions of this permit, the provisions of the Environmental Article, Title 7, Subtitle 2 and Title 9, Subtitles 2 and 3 of the Annotated Code of Maryland, and the CWA, 33 U.S.C. § 1251 et seq.

B. ***Civil and Criminal Liability***
Except as provided in the permit conditions on “bypassing” and “upset” (PART VII), nothing in this permit shall be construed to preclude the institution of any legal action nor relieve the permittee from any civil or criminal responsibilities, liabilities, and/or penalties for noncompliance with Title 9 of the Environment Article, Annotated Code of Maryland or any federal, local or other state law or regulation.

C. ***Action on Violations***
The act to issue or reissue this permit does not constitute a decision by the state not to proceed in an administrative, civil, or criminal action for any violations of state law or regulations occurring before the issuance or reissuance of this permit, nor a waiver of the state’s right to do so.

D. ***Civil Penalties for Violations of Permit Conditions***
In addition to civil penalties for violations of state water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the CWA provides that any person who violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act or in a permit issued under Section 404 of the CWA, is subject to a civil penalty not to exceed $25,000 per day for each violation. Statutory penalties of the CWA are subject to the Civil Monetary Penalty Inflation Adjustment Rule published in the federal register 2009.

E. ***Criminal Penalties for Violations of Permit Conditions***

In addition to criminal penalties for violations of state water pollution control laws set forth in Section 9-343 of the Environment Article, Annotated Code of Maryland, the CWA provides that:

1. Any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA, or in a permit issued under Section 404 of the CWA, is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one (1) year, or by both.

2. Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA, or in a permit issued under Section 404 of the CWA, is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than three (3) years, or by both.

3. Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA, or in a permit issued under Section 404 of the CWA, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, is subject to a fine of not more than $250,000 or imprisonment of not more than fifteen (15) years, or both. A person that is a corporation, shall, upon conviction, be subject to a penalty of not more than $1,000,000.

F. ***Penalties for Falsification and Tampering***

The Environment Article, §9-343, Annotated Code of Maryland provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both. The CWA provides that any person who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the CWA, or who knowingly makes any false statement, representation, or certification in any records or other documents submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or by both.

PART VII. GENERAL CONDITIONS

A. ***Right of Entry***

The permittee shall permit the Secretary of the Department, the Regional Administrator for the EPA, or their authorized representatives, upon the presentation of credentials:

1. To enter upon the permittees' premises where an effluent source is located or where any records are required to be kept under the terms and conditions of this permit;

2. To access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;

3. To inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;

4. To inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit;

5. To sample, at reasonable times, any discharge of pollutants; and

6. To take photographs.

B. ***Property Rights/Compliance with Other Requirements***

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

C. ***Duty to Provide Information***

The permittee shall furnish to the Department, within the time frame stipulated by the Department, any information that the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

D. ***Bypassing***

Any bypass of treatment facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited unless:

1. The bypass is unavoidable to prevent a loss of life, personal injury or substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources;

2. There are no feasible alternatives;

3. Notification is received by the Department within 24 hours (if orally notified, then followed by a written submission within five calendar days) of the permittee becoming aware of the bypass. Where the need for a bypass is known (or should have been known) in advance, this notification shall be submitted to the Department for approval at least ten calendar days before the date of bypass or at the earliest possible date if the period of advance knowledge is less than ten calendar days; and

4. The bypass is allowed under conditions determined by the Department to be necessary to minimize adverse effects.

E. ***Conditions Necessary for Demonstration of an Upset***

An upset shall constitute an affirmative defense to an action brought for noncompliance with technology-based effluent limitations only if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

1. an upset occurred and that the permittee can identify the specific cause(s) of the upset;

2. the permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;

3. the permittee submitted notification of upset within 24 hours in accordance with the reporting requirements of identified in Noncompliance with Discharge Limits conditions PART V - Section H above;

4. the permittee submitted, within five calendar days of becoming aware of the upset, documentation to support and justify the upset; and

5. the permittee complied with any remedial measures required to minimize adverse impact.

F. ***Removed Substances***

Wastes such as solids, sludge, or other pollutants removed from or resulting from treatment or control of wastewaters, or facility operations, shall be disposed of in a manner so as to prevent any removed substances or runoff from such substances from being discharged to waters of the state. The permittee shall keep a record of the following, and make it available to the Department upon request:

1. The location of all areas used for the disposal of any removed substances as described above;

2. The physical, chemical and biological characteristics of the removed substances (as appropriate), quantities of any removed substances handled, and the method of disposal; and

3. Identification of the contractor or subcontractor, their mailing address and the information specified in Section *F.1* and *F.2* above if disposal is handled by persons other than the permittee.

G. ***Facility Operation and Maintenance***

Permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of the permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar system which is installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

H. ***Power Failure***

In order to maintain compliance with the terms and conditions of this permit, the permittee shall:

1. Provide an alternative power source sufficient to operate the wastewater collection and treatment facilities; or

2. Halt, reduce or otherwise control production and all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater collection and treatment facilities.

I. ***Other Information***

If the permittee becomes aware that incorrect information has been included in the NOI or any other report submitted to the Department, or relevant facts have been omitted from the NOI or any other report to the Department, the permittee shall submit the correct information or facts to the Department with 30 calendar days of becoming aware.

J. ***Availability of Reports***

Except for data determined to be confidential under the Maryland Public Information Act and/or Section 308 of the Clean Water Act, 33 U.S.C. § 1318, all submitted data shall be available for public inspection at the offices of the Department and the Regional Administrator of the Environmental Protection Agency.

K. ***Toxic Pollutants***

The permittee shall comply with effluent standards or prohibitions for toxic pollutants established under the CWA, or under Section 9-314 and Sections 9-322 through 9-328 of the Environment Article, Annotated Code of Maryland. Compliance shall be achieved within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

L. ***Oil and Hazardous Substances Prohibited***

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibility, liability, or penalties to which the permittee may be subject under Section 311 of the CWA (33. U.S.C. § 1321), or under the Annotated Code of Maryland.

M. ***Water Construction and Obstruction***

This permit does not authorize the construction or placing of physical structures, facilities, or debris or the undertaking of related activities in any waters of the state.

N. ***Protection of Water Quality***

It is a violation of this permit to discharge any substance not otherwise identified in the effluent limits of PART IV - Section B of this permit at a level which would cause or contribute to any exceedance of the numerical water quality standards in COMAR 26.08.02.03. If an authorized discharge regulated by this permit causes or contributes to an exceedance of the water quality standards in COMAR 26.08.02.03, including but not limited to the general water quality standards, or if the discharge includes a pollutant that was not disclosed or addressed in the Notice of Intent, the Department is authorized to exercise its powers to modify, suspend or revoke the discharge authorization.

O. ***Permit Modification***

The Department may revoke this permit or modify this permit to include different limitations and requirements, in accordance with the procedures contained in COMAR 26.08.04.10 and 40 CFR. §§ 122.62, 122.63, 122.64 and 124.5.

This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301, 304, and 307 of the CWA [33 U.S.C. §§ 1311, 1314, 1317] if the effluent standard or limitation so issued or approved:

1. contains different conditions or is otherwise more stringent than any effluent limitation in this permit or

2. controls any pollutant not limited in this permit. This permit, as modified or reissued under this paragraph, shall also contain any other requirements of the Act then applicable.

P. ***Impaired Receiving Waters and Total Maximum Daily Loads.***

The NOI for any discharge from hydrostatic testing not part of a potable water system must identify whether any receiving water is on Maryland's impaired waters list for sediments, which can be found at the Department's website for 303(d) list searchable database (http://www.mde.state.md.us/). If the water body has as an approved TMDL for sediments, the Department may require individual permit coverage. The permittee must implement all necessary controls to meet the specified waste load allocation (WLA), if one exists, and verify that the discharge complies with the WLA through the discharge monitoring requirements included in this permit. Failure to comply with a relevant WLA is a violation of this permit.

Q. ***Total Maximum Daily Load (TMDL)***

The permit may be reopened in accordance with Maryland's Administrative Procedures Act to incorporate future Total Maximum Daily Load requirements.

R. ***Severability***

The provisions of this permit are severable. If any provisions of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this permit to any circumstances is held invalid, its application to other circumstances shall not be affected.

PART VIII. AUTHORITY TO ISSUE GENERAL NPDES PERMITS

On September 5, 1974, the Administrator of the EPA approved the proposal submitted by the state of Maryland for the operation of a permit program for discharges into navigable waters under Section 402 of the Federal Clean Water Act, 33 U.S.C. Section 1342.

On September 30, 1990, the Administrator of the EPA approved the proposal submitted by the state of Maryland for the operation of a general permit program.

Under the approvals described above, this general discharge permit is both a state of Maryland general discharge permit and a NPDES general permit.

Jay Sakai, Director
Water Management Administration